PB-217 597

# DIGEST OF WATER POLLUTION CONTROL LEGISLATION ... OKLAHOMA

Public Health Service
Washington, D. C.

September 1958

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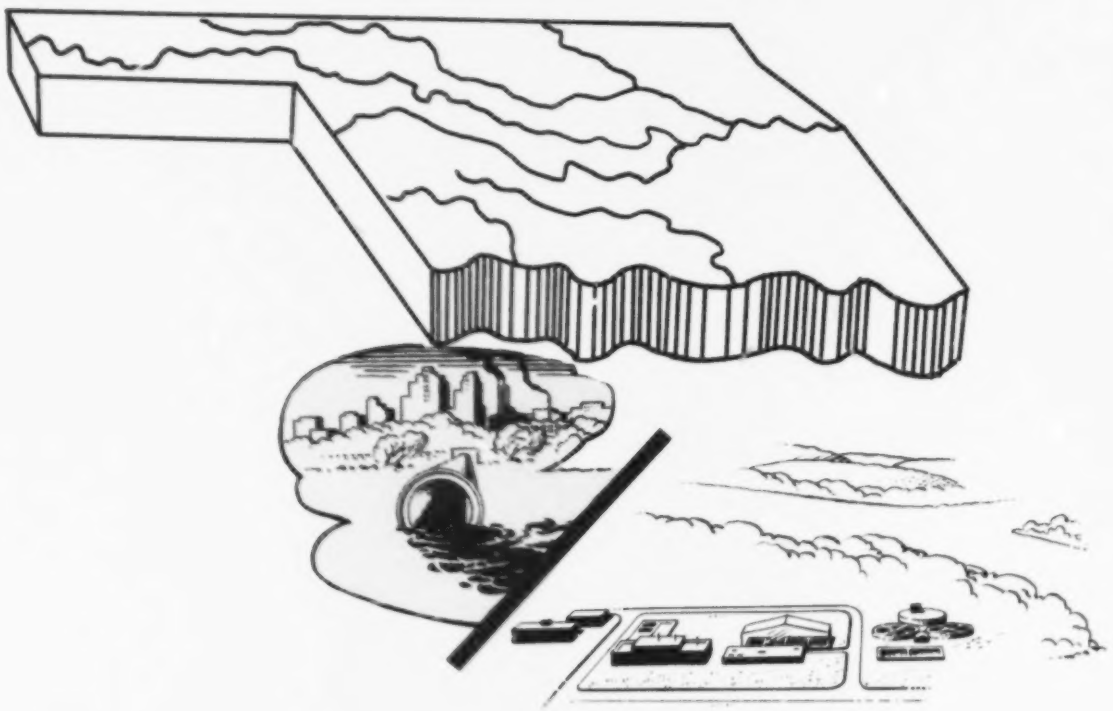

U.S. DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE
Public Health Service

Section 3 of the Federal Water Pollution Control Act (33 U.S.C. 466b) directs the Public Health Service to "encourage the enactment of improved and, so far as practicable, uniform State laws relating to the prevention and control of water pollution."

This Digest is one of a series prepared by the Public Health Service as a service to the States and others interested in these objectives. Cooperation of State officials in the preparation of these digests is gratefully acknowledged.

September 1958

# DIGEST OF OKLAHOMA WATER POLLUTION CONTROL LEGISLATION

## I. GENERAL STATEMENT

The State Board of Health in Oklahoma is the agency which has the statutory function of controlling water pollution in the State, including municipal, domestic or household wastes; it makes rules and regulations to carry out this function. The State Commissioner of Health, through the State Department of Health, administers and enforces the rules and regulations of the Board (Title 63, secs. 1.3, 4, 613, 614, 615, 625.3).[1/]

The State Department of Health is authorized to accept and disburse grants and other monies from corporations or private individuals, accept grants of money, personnel and property from agencies of the United States to promote and carry on in the state programs relating to public health, and to cooperate with the agencies of the Federal government in carrying out said programs, and to accept grants on the terms and conditions required by the Federal agencies making the grants (Title 63, secs. 1.4, 36).

The State Department of Health has been designated by the Surgeon General as the official "State Water Pollution Control Agency" for all purposes of the Federal Water Pollution Control Act.

## II. ADMINISTRATIVE ORGANIZATION

### A. State Board of Health

#### 1. Composition

The State Board of Health is composed of 9 members, one from each of the Congressional Districts of the State and one at large, each appointed by the Governor and confirmed by the Senate. At least a majority

1/ Citations in this digest refer to the Oklahoma Statutes, 1951, and Supplement thereto, unless otherwise noted.

of such members must be duly licensed as physicians and surgeons by the State Board of Medical Examiners and members of the Oklahoma State Medical Association. The Board adopts rules and regulations to govern its procedures, as well as other general rules and regulations to effectuate its purposes (Title 63, sec. 1.1).

The Board appoints a State Commissioner of Health from outside its membership, who is the head of the State Department of Health. He appoints and employs the personnel authorized for the Department, and enforces and administers the rules and regulations of the Board (Title 63, secs. 1.2, 1.3). 2/

2. Powers and Duties

a) General Authority

The State Department of Health has general supervision of all matters relating to the public health. It is empowered to take steps to abate water pollution and other nuisances which are calculated to affect injuriously the health of the public; it makes sanitary investigations and inquiries relative to the cause of disease; investigates the sanitary conditions of schools, public institutions, and all buildings and places of resort, and prescribes and enforces measures of sanitation for them; advises the State and all local governments in all hygienic matters; acts in conjunction with city, town and township boards of health; makes a report in writing to the Governor 20 days preceding each regular and special session of the Legislature upon the sanitary conditions and needs of the State. The Department is authorized to establish and maintain a chemical and bacteriological laboratory for the examination of public water supplies (Title 63, secs. 4, 7, 614).

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2/ In view of the fact that the Commissioner of the Department of Health is authorized to enforce the rules and regulations of the State Board of Health, the Department will be substituted for the Board hereinafter in this Digest, notwithstanding the fact that the Board is named in the sections of the Code as the agency to carry out such functions.

The Department is also authorized to own, operate, maintain and staff mobile water and sewage Laboratories for the purpose of making stream pollution studies and other investigations to obtain factual data necessary to support its orders for the construction or improvement of a sewage or waste treatment plant; to provide information on sewage flows and the chemical and bacterial characteristics of sewage for use in the design of sewage treatment plants; to permit it to check the operation of both water and sewage treatment plants to determine if they meet its requirements; to provide laboratory service for cities, towns, and other State agencies; to make studies and investigations of any wastes entering sewer systems, streams, or affecting water supplies, so as to determine the treatment necessary; to make investigations of operating problems in present water and sewage plants; to improve quality of plant effluents; to instruct plant operators in the proper operation of water and sewage treatment plants; to expedite the program for the conservation and reclamation of the waters of the State so they may be used for industrial, municipal, and recreational purposes (Title 63, sec. 620).

All wastes originating within 200 feet of the high water line of any reservoir must be disposed of in a manner approved by the State Department of Health, except impounded water or privately owned water not open to public use or reservoir owned or controlled by any municipality unless such municipality elects to come under provisions by duly enacted ordinances (Title 63, secs. 625.1-625.8).

No community or private sewage disposal systems shall be constructed in cities, towns or county sewer districts or in areas adjacent to or in the vicinity thereof unless the same shall comply with the minimum requirements of the Bureau of Sanitary Engineering of the State Department of

Health for such disposal systems (Title 19, sec. 895).

b) Issuance of permits and review of plans and specifications

The Department issues permits for the supplying of water for domestic purposes, for the construction of sewerage systems and sewerage disposal and treatment plants, and for the discharge of sewage from any sewer system into any of the waters of the State (Title 63, secs. 613, 614, 615).

The Department also has the responsibility for issuing permits for the construction and installation of municipal sewage disposal systems and reports to the Oklahoma Water Resources Board (formerly the Oklahoma Planning and Resources Board) such technical information as the Board requires relative to such systems (1957 Supp., Title 82, sec. 907 (b)(5), 1073(a)).

c) Enforcement

The Department is authorized to issue orders relating to water supply and sewage systems and to abate water pollution which may be taken on appeal to the District Court by aggrieved parties. The supplying of water for domestic purposes without a permit is a misdemeanor punishable by a fine. Also the letting of a contract for construction work of any nature for the supplying of water without a permit is a misdemeanor punishable by a fine (Title 63, sec. 613). The failure to supply the Department with required information is a misdemeanor punishable by a fine. The failure to comply with the requirements of the Department regarding water and sewage is also made a misdemeanor which is punishable by a fine, and each day's failure is a separate offense (Title 63, sec. 618).

d) Conduct of studies, investigations and research

The Department is authorized to make investigations regarding the sanitary quality of water supplied for domestic and drinking purposes. Upon complaint or on its own motion the Department is empowered to make investigations concerning the polluted condition of any of the waters of the State and to issue orders to abate such pollution (Title 63, sec. 614).

e) Administrative powers

The Department may require water suppliers to submit information relative to their water supply sources, and the manner of storage, purification, or treatment for the determination of its sanitary quality (Title 63, sec. 613). Pollutors are required to furnish the Department information as may be required relative to the amount and character of the polluting material discharged into the waters of the State (Title 63, sec. 614).

3. Exemptions

The discharge of sewage from any public sewer system owned and maintained by a municipality or sewerage company, person, institution or corporation is permitted without a written permit from the Department provided such sewer system was in operation and was discharging sewage into the waters of the State on July 1, 1916; but this exception does not permit the discharge of sewage from any sanitary sewer system that has been extended subsequent to that date, nor does it permit the discharge of any sewage which, upon investigation by the Department is found to be polluting the waters of the State in a manner prejudicial to the health of the inhabitants (Title 63, sec. 614).

Pollution resulting from the production of oil and gas products are exempt from control of the Department; however, such pollution is controlled by the Corporation Commission (1957 Supp., Title 52, secs. 139-145).

B. Corporation Commission

The Corporation Commission of Oklahoma is authorized to make and enforce rules, regulations, and orders governing the handling, storage and disposition of salt water, mineral brines, waste oil, and other deleterious substances produced from, or used in connection with, the production of oil and gas products or operation of oil or gas wells for the purpose of preventing water pollution. Any rule, regulation or order relating to or requiring a change of conditions existing as of the date thereof, must grant a reasonable time not to exceed six months within which to comply before being in violation. The Oklahoma Water Resources Board and the State Game and Fish Department are required to assist and cooperate with the Corporation Commission in the performance of its duties under the Act by making investigations, gathering evidence, and filing reports or complaints with the Commission concerning conditions with respect to the handling, storage and disposition of deleterious substances and by making recommendations from time to time to the Commission with respect to rules, regulations, orders, or other action that may be required to carry out the purposes of the Act. Violation of the Commission rules, regulations or orders is deemed a misdemeanor and is punishable by a fine of not less than $100.00 nor more than $250.00. Each day's violation is a separate offense (1957 Supp., Title 52, secs. 139-145).

C. Oklahoma Water Resources Board

The Water Resources Board's functions relating to water pollution consist of:

1. Making studies, investigations, research and demonstrations as to the causes, prevention, control and abatement of water pollution;

2. Adopting and promulgating standards of water quality and classifying waters;

3. Reviewing plans and specifications and issuing permits;

4. Holding hearings and issuing orders;

5. Cooperating with Federal and State agencies and private industries in carrying out its purposes and accepting and administering loans and grants from them;

6. Adopting, promulgating and enforcing rules and regulations implementing its powers and duties under the Act (1957 Supp., Title 82, secs. 903-916, 1073).

The Water Resources Board's responsibility for controlling water pollution does not extend to wastes from oil and gas wells. However, it is authorized to assist and cooperate with the Corporation Commission in this regard, as indicated in Item II-B above.

III. MISCELLANEOUS STATUTORY PROVISIONS RELATING TO WATER POLLUTION

Anyone who willfully and maliciously deposits excrements, or foul or decaying matter into or in any manner corrupts any sources of water used for domestic purposes, or destroys or injures any pipe, conductor of water, or other property pertaining to an aqueduct, or aids or abets in such trespass, may be punished by a fine of not less than $25.00 nor more than $100.00 or by imprisonment for not more than 30 days in jail, or by both (Title 63, sec. 27).

It is unlawful for any person to use any poison, explosive, or any electrical device, or otherwise to engage in what is commonly known as "dynamiting" or "telephoning", as a means of catching, or killing fish in any river, creek, stream, lake or pond. Violation is a misdemeanor, carrying a fine of not to exceed $1,000.00 and imprisonment in the county

jail for not less than 10 days nor more than one year, or by both fine and imprisonment (1957 Supp., Title 29, sec. 411).

Every person who willfully poisons any spring, well or reservoir of water, is punishable by imprisonment in the penitentiary not exceeding 10 years, or in a county jail not exceeding one year, or by a fine not exceeding $500.00, or by both such fine and imprisonment (Title 21, sec. 832).

The throwing or depositing of any gas tar, or refuse of any gas house or factory, into any public waters, or into any sewer or stream emptying into such waters is a misdemeanor (Title 21, sec. 1194).

It is unlawful to bury the carcass of any animal which dies of any contagious or infectious disease in any land along any stream or ravine where it is liable to become exposed through erosion of the soil, or where such land is subject to overflow (Title 21, sec. 1222).

It is unlawful to leave, deposit, or cause to be deposited or left the carcass of any animal, chicken or other fowl, whether the same shall have died from disease or otherwise, in any well, spring, pond or stream of water, without burying the same (1957 Supp., Title 21, sec. 1223).

No inflammable product from any oil or gas well is to be permitted to run into any tank, pool, or stream used for watering stock, and all waste of oil and refuse from tanks or wells must be drained into proper receptacles at a safe distance from the tanks, wells or building, and be immediately burned or transported from the premises, and in no case must it be permitted to flow over the land. Salt water is not to be allowed to flow over the surface of the land (Title 52, sec. 296).

It is unlawful for any person to pollute, or permit the pollution, by salt water, crude oil, or the bottom settlings thereof, by sulphur water, any other mineral water, by the refuse or the products of any well or mine,

of any stream, pond, spring, lake, or other water reservoir used as a water supply by any incorporated city or town by which said water is rendered unfit for such use. Any incorporated city or town has a right of action for damages resulting from such pollution (Title 82, secs. 901, 902).

Cities and towns securing their water supply from a stream or reservoir located outside of their corporate limits have power to create a water district, and are empowered to enforce rules and regulations made by the State Commissioner of Health, the county superintendent of public health, or the city superintendent of public health, for the protection of any such water supply (Title 11, sec. 298).

The owner of the land owns water standing thereon, or flowing over or under its surface, but not forming a definite stream. However, he may not prevent the natural flow of the stream, or of the natural spring from which it commences its definite course, nor pursue nor pollute the same (Title 60, sec. 60).